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November 9, 2015

BY FEDERAL EXPRESS

Clerk of the Court
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

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NOV 10 2015

United States Court of Appeals
For The Federal Circuit

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J 2015

United States Court of Appeals
For The Federal Circuit

Re: *LifeNet Health v. LifeCell Corporation*, Appeal No. 2015-1549

Dear Clerk of the Court,

Enclosed please find Defendant's Physical Exhibit 12 ("DPX-012"), which is included as A17527 in the Joint Appendix for *LifeNet Health v. LifeCell Corporation*, Appeal No. 2015-1549. DPX-012 is a physical sample of LifeCell's StratticeTM Reconstructive Tissue Matrix.

The United States District Court for the Eastern District of Virginia, Norfolk Division, released DPX-012 for transmission to this Court pursuant to a consent order, which is also enclosed. Because DPX-012, a tissue graft sample, has deteriorated while in storage, LifeCell also submits an identical replacement exhibit, which is a factory sealed sample of LifeCell's StratticeTM Reconstructive Tissue Matrix. The replacement exhibit is labeled A17527. Please be advised that if the Court opens the foil pouches in A17527 to inspect LifeCell's graft, the graft should not be subsequently stored in the open air.

LifeCell submits the replacement exhibit with Plaintiff-Appellee LifeNet Health's consent. LifeNet's counsel is copied on this correspondence. Should the Court have any questions, I can be reached at (212) 808-2944.

Respectfully,



Dustin F. Guzor

(Enclosures)

cc: Constantine L. Trela, Jr. (By E-Mail)
(Sidley Austin LLP, Counsel to LifeNet Health)

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United States Court of Appeals
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Case: 15-1549 Document: 62 Page: 2 Filed: 12/08/2015

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United States Court of Appeals
For The Federal Circuit

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

FILED

NOV - 5 2015

CLERK, US DISTRICT COURT
NORFOLK, VA

LIFENET HEALTH,

Plaintiff,

v.

LIFECCELL CORPORATION,

Defendant.

Civil Action No. 2:13cv486/HCM-TEM

JURY TRIAL DEMANDED

**CONSENT ORDER ON MOTION FOR TRANSMISSION OF
DEFENDANT LIFECCELL CORPORATION'S TRIAL EXHIBIT DPX-012 TO THE
US COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

THIS MATTER IS BEFORE THE COURT on the consent motion of Defendant LifeCell Corporation ("LifeCell"), to provide for counsel for LifeCell to retrieve DPX-012 from the district court so that it may be included as part of LifeCell's appendix in its appeal to the United States Court of Appeals for the Federal Circuit. Upon consent of all parties as indicated by the endorsements of their counsel below, and finding that it is proper to do so, it is hereby ordered that counsel for LifeCell may retrieve DPX-012 from the Court and transmit it to the US Court of Appeals for the Federal Circuit, to be included as part of LifeCell's appendix.

It is **SO ORDERED**. The Clerk is directed to send a copy of this Order to all counsel of record.

Entered:

November 5, 2015

/s/
Lawrence R. Leonard
United States Magistrate Judge LR
Judge

WE ASK FOR THIS:

WE ASK FOR THIS:

By: _____/s/_____
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Brian A. Wainger (VSB #38476)
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Counsel for LifeNet Health



strattice

RECONSTRUCTIVE TISSUE MATRIX

DPX-012

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

**LifeNet Health
Plaintiff**

v.

Civil Docket No. 2:13cv486-HCM-DEM

**Lifecell Corporation
Defendant**

DPX Exhibit-012



Surgical Mesh • Kirurgisk mesh • Chirurgische mesh • treillis chirurgical • chirurgisches Netzimplantat • matrice chirurgical • Kirurgisk nett • Malha Cirúrgica • Malla quirúrgica
Kirurgiskt nät • Kirurginen verkko • πλέγμα για χειρουργική χρήση • Siatka chirurgiczna • Chirurgická síťka • Хирургическая сетка • Sebészeti géz • Chirurgická sieťka • Cerrahi Meş



Strattice™

RECONSTRUCTIVE TISSUE MATRIX

 **LifeCell™**
A KCI Company

A 17527



5cm x 16cm Pliable

Surgical Mesh • Kirurgisk mesh • Chirurgische mesh • treillis chirurgical • chirurgisches Netzimplantat • matrice chirurgica • Kirurgisk nett • Malha Cirúrgica • Malla quirúrgica
Kirurgiskt hätt • Kirurginen verkko • πλέγμα για χειρουργική χρήση • Siatka chirurgiczna • Chirurgická síťka • Хирургическая сетка • Sebészeti géz • Chirurgická sieťka • Cerrahi Meş



StratticeTM

RECONSTRUCTIVE TISSUE MATRIX

 **LifeCell**[™]
A KCI Company

DPX-012

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

**LifeNet Health
Plaintiff**

v.

Civil Docket No. 2:13cv486-HCM-DEM

**Lifecell Corporation
Defendant**

DPX Exhibit-012

5cm x 16cm Pliable

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